



## REMARKS

The rejection of claims 20-24 and 26 is respectfully traversed for reasons of record. No prior art cited teaches or suggests a uropathogen specific medium as recited by the present claims. No motivation exists for combining the cited references, and there is no reasonable expectation of success from combining the references.

New claim 32 adds the limitation that the uropathogen specific medium contains a methyl-umbelliferyl substrate, as discussed during the Examiner's Interview held on September 10, 2002. Claim 38 adds the limitation that the uropathogen specific medium contains yeast extract. Claims 33-37 and 39-43 are allowable because they incorporate all of the limitations of an allowable independent claim.

It is believed that the present claims are now allowable and that all issues have been removed from the case.

Reconsideration and withdrawal of the rejection is therefore respectfully requested. Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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### Pending Claims

20. A method of detecting the presence of urinary pathogens in a biological sample and of simultaneously determining the susceptibility of the urinary pathogens to antimicrobial agents, said method comprising:

providing a multicompartment assay device comprising:

at least one compartment comprising a medium capable of sustaining growth of total microbial organisms; at least one compartment comprising a uropathogenic specific medium; and, at least one compartment comprising an antimicrobial susceptibility interpretation medium;

placing a portion of the biological sample respectively in said at least one compartment comprising a medium capable of sustaining growth of total microbial organisms; said at least one compartment comprising a uropathogenic specific medium; and, said at least one compartment comprising an antimicrobial susceptibility interpretation medium comprising an antimicrobial agent;

whereby metabolism of a signal generating substrate and production of a detectable signal in said at least one compartment comprising a medium capable of sustaining growth of total microbial organisms indicates the presence of microbial organisms in the sample; metabolism of a signal generating substrate and production of a detectable signal in said at least one compartment comprising a uropathogenic specific medium indicates the presence of urinary pathogens in the sample; and metabolism of a signal generating substrate and production of a detectable signal in said at least one compartment comprising an antimicrobial susceptibility interpretation medium indicates that the organisms lack susceptibility to the antimicrobial agent comprised in said antimicrobial susceptibility interpretation medium; and

examining the compartments to determine the presence of urinary pathogens in said biological sample and the susceptibility of said urinary pathogens to said antimicrobial agents.

21. The method of claim 20, wherein the biological fluid is urine.

22. The method of claim 21, wherein the urinary pathogens are primary gram negative urinary pathogens.

23. The method of claim 22 wherein the primary gram negative urinary pathogens comprise *Enterobacteriaceae*.

24. The method of claim 22 wherein the primary gram negative urinary pathogens are selected from the group consisting of: *Escherichia coli*, *Klebsiella spp.*, *Enterobacter spp.*, *Proteus mirabilis*, *Proteus vulgaris*, *Morganella morganii*, *Providencia retteri*, and *Acinetobacter spp.*

26. The method of claim 20 wherein the at least one antimicrobial susceptibility interpretation medium comprises amoxicillin, clavulanic acid/amoxicillin, or enrofloxacin.

31. The method of claim 20 wherein the signal generating substrate is fluorogenic or chromogenic.

32. (New) A method of detecting the presence of urinary pathogens in a biological sample and of simultaneously determining the susceptibility of the urinary pathogens to antimicrobial agents, said method comprising:

providing a multicompartment assay device comprising:

at least one compartment comprising a medium capable of sustaining growth of total microbial organisms; at least one compartment comprising a uropathogenic specific medium comprising a methyl-umbelliferyl substrate; and, at least one compartment comprising an antimicrobial susceptibility interpretation medium;

placing a portion of the biological sample respectively in said at least one compartment comprising a medium capable of sustaining growth of total microbial organisms; said at least one compartment comprising a uropathogenic specific medium

comprising a methyl-umbelliferyl substrate; and, said at least one compartment comprising an antimicrobial susceptibility interpretation medium comprising an antimicrobial agent;

whereby metabolism of a signal generating substrate and production of a detectable signal in said at least one compartment comprising a medium capable of sustaining growth of total microbial organisms indicates the presence of microbial organisms in the sample; metabolism of a methyl-umbelliferyl signal generating substrate and production of a detectable signal in said at least one compartment comprising a uropathogenic specific medium indicates the presence of urinary pathogens in the sample; and metabolism of a signal generating substrate and production of a detectable signal in said at least one compartment comprising an antimicrobial susceptibility interpretation medium indicates that the organisms lack susceptibility to the antimicrobial agent comprised in said antimicrobial susceptibility interpretation medium; and

examining the compartments to determine the presence of urinary pathogens in said biological sample and the susceptibility of said urinary pathogens to said antimicrobial agents.

33. (New) The method of claim 32, wherein the biological fluid is urine.

34. (New) The method of claim 33, wherein the urinary pathogens are primary gram negative urinary pathogens.

35. (New) The method of claim 34 wherein the primary gram negative urinary pathogens comprise *Enterobacteriaceae*.

36. (New) The method of claim 34 wherein the primary gram negative urinary pathogens are selected from the group consisting of: *Escherichia coli*, *Klebsiella spp.*, *Enterobacter spp.*, *Proteus mirabilis*, *Proteus vulgaris*, *Morganella morganii*, *Providencia retteri*, and *Acinetobacter spp.*

37. (New) The method of claim 32 wherein the at least one antimicrobial susceptibility interpretation medium comprises amoxicillin, clavulanic acid/amoxicillin, or enrofloxacin.

38. (New) A method of detecting the presence of urinary pathogens in a biological sample and of simultaneously determining the susceptibility of the urinary pathogens to antimicrobial agents, said method comprising:

providing a multicompartment assay device comprising:

at least one compartment comprising a medium capable of sustaining growth of total microbial organisms; at least one compartment comprising a uropathogenic specific medium comprising yeast extract; and, at least one compartment comprising an antimicrobial susceptibility interpretation medium;

placing a portion of the biological sample respectively in said at least one compartment comprising a medium capable of sustaining growth of total microbial organisms; said at least one compartment comprising a uropathogenic specific medium comprising yeast extract; and, said at least one compartment comprising an antimicrobial susceptibility interpretation medium comprising an antimicrobial agent;

whereby metabolism of a signal generating substrate and production of a detectable signal in said at least one compartment comprising a medium capable of sustaining growth of total microbial organisms indicates the presence of microbial organisms in the sample; metabolism of a signal generating substrate and production of a detectable signal in said at least one compartment comprising a uropathogenic specific medium comprising yeast extract indicates the presence of urinary pathogens in the sample; and metabolism of a signal generating substrate and production of a detectable signal in said at least one compartment comprising an antimicrobial susceptibility interpretation medium indicates that the organisms lack susceptibility to the antimicrobial agent comprised in said antimicrobial susceptibility interpretation medium; and

examining the compartments to determine the presence of urinary pathogens in said biological sample and the susceptibility of said urinary pathogens to said antimicrobial agents.

39. (New) The method of claim 38, wherein the biological fluid is urine.

40. (New) The method of claim 39, wherein the urinary pathogens are primary gram negative urinary pathogens.

41. (New) The method of claim 40 wherein the primary gram negative urinary pathogens comprise *Enterobacteriaceae*.

42. (New) The method of claim 40 wherein the primary gram negative urinary pathogens are selected from the group consisting of: *Escherichia coli*, *Klebsiella spp.*, *Enterobacter spp.*, *Proteus mirabilis*, *Proteus vulgaris*, *Morganella morganii*, *Providencia retteri*, and *Acinetobacter spp.*

43. (New) The method of claim 38 wherein the at least one antimicrobial susceptibility interpretation medium comprises amoxicillin, clavulanic acid/amoxicillin, or enrofloxacin.